

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

NICHOLAS E. KRALY,

Plaintiff,

v.

SALIL N. RAO,

Defendant.

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CAUSE NO. 1:13-CV-203

OPINION AND ORDER

This case was filed in this Court on June 24, 2013, based on diversity jurisdiction pursuant to 28 U.S.C. § 1332(a). (Docket # 1.) The Complaint alleges that Plaintiff Nicholas E. Kraly is a resident of the State of California and that Defendant Salil N. Rao is a resident of the State of Florida. (Compl. ¶¶ 3-4.)

The Complaint, however, is insufficient to establish the citizenship of both Plaintiff Kraly and Defendant Rao because the “residency” of each party is meaningless for purposes of diversity jurisdiction, as “citizenship is what matters.” *Guar. Nat’l Title Co. v. J.E.G. Assocs.*, 101 F.3d 57, 58-59 (7th Cir. 1996) (explaining that statements concerning a party’s “residency” are not proper allegations of citizenship as required by 28 U.S.C. § 1332); *see* 28 U.S.C. § 1332. “It is well-settled that when the parties allege residence but not citizenship, the court must dismiss the suit.” *Held v. Held*, 137 F.3d 998, 1000 (7th Cir. 1998) (internal quotation marks and citation omitted); *see generally Smoot v. Mazda Motors of Am., Inc.*, 469 F.3d 675, 677-78 (7th Cir. 2006).

Therefore, the Court must be advised of Kraly’s and Rao’s *citizenship*, rather than their

residency, which “[f]or natural persons . . . is determined by one’s domicile.” *Dausch v. Rykse*, 9 F.3d 1244, 1245 (7th Cir. 1993); *see Heinen v. Northrop Grumman Corp.*, 671 F.3d 669, 670 (7th Cir. 2012) (“But residence may or may not demonstrate citizenship, which depends on domicile—that is to say, the state in which a person intends to live over the long run.”); *Am. ’s Best Inns, Inc. v. Best Inns of Abilene, L.P.*, 980 F.2d 1072, 1074 (7th Cir. 1992) (“In federal law citizenship means domicile, not residence.”).

Accordingly, Plaintiff is ORDERED to supplement the record by filing an Amended Complaint on or before July 12, 2013, properly alleging the citizenship of Plaintiff Nicholas E. Kraly and Defendant Salil N. Rao, which is determined by their domiciles rather than their residences.

SO ORDERED.

Enter for this 27th day of June, 2013.

/S/ Roger B. Cosbey
Roger B. Cosbey,
United States Magistrate Judge